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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1-3, 5-10, 12-18, and 20-27 have been rejected under 35 U.S.C. §103 as being unpatentable over Kikinis, USPN 5,929,849 in view of Hendricks et al., USPN 6,738,978, with some of these claims (5, 6, 12, 13, and 20) evidently also being rejected based on "official notice".

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the Examiner's rejections, independent apparatus Claim 2 has been amended to recite the subject matter of allowable Claim 4, leaving independent Claims 1, 9, and 16 at issue.

It is admitted in the Office Action that the primary reference fails to teach the heart of the invention, i.e., the gateway screen. The examiner proposes adding to the primary reference the startup screen 1000/home menu 1010 of Hendricks et al. (since the rejection refers to col. 43, lines 37-44 which teach only of these menus), but the problem with this is that the proposed combination would not arrive at the claims. Specifically, the start up screen 1000 of Hendricks et al. shows only "important messages", col. 44, lines 39 and 40, while the home menu 1010 shows other menus (col. 44, lines 25-30 and Figure 26), not TV or Internet content. In contrast, the gateway screen of Claims 1 and 9 displays both TV and Internet content and the screen of Claim 16 permits selection of both Internet and TV content, not mere selection of other menus.

The examiner relies on Berstis et al., USPN 5,867,154 to support his previous taking of "official notice" of features in Claims 5, 6, 12, 13, and 20. However, no matter how an element is shown, whether

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by "official notice" or by prior art reference, the requirement remains that the prior art must supply the motivation to combine the element with the rest of the claimed elements. That is, regardless of how an element is identified in the prior art, i.e., using a reference or "official notice", the remaining task for an examiner is to show why the prior art suggests the element in the combination claimed. In the present case, the proffered suggestion to combine an Internet button with a remote - "for the benefit of direct connection to an Internet gateway screen" - comes from the present invention and not from Kikinis or Berstis et al., neither of which contemplate the claimed gateway screen.

Moreover, no mere "Internet button" is being claimed in Claims 5 and 6, but rather a specific "gateway screen" button which, when pressed, causes a gateway screen having both TV and Internet content to be displayed. The only thing Berstis et al. discloses about its "Web button" is that it allows browsing of the Internet, which could mean many unknowable things but which certainly does not imply the invocation of a screen that has both Internet and TV content.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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